

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TERRI PECHNER-JAMES and SONIA
FERNANDEZ,

Plaintiffs,

v.

CITY OF REVERE, THOMAS AMBROSINO,
MAYOR, CITY OF REVERE POLICE
DEPARTMENT, TERRENCE REARDON,
CHIEF OF POLICE, BERNARD FOSTER,
SALVATORE SANTORO, ROY COLANNINO,
FREDERICK ROLAND, THOMAS DOHERTY,
JOHN NELSON, JAMES RUSSO, MICHAEL
MURPHY and STEVEN FORD,

Defendants,

C.A. No. 03-12499-MLW

**DEFENDANT, CITY OF REVERE'S, EX PARTE APPLICATION FOR AN
ORDER MODIFYING THE SECOND ORDER ON DISCOVERY MOTIONS**

Now comes Defendant, City of Revere, and hereby submits its ex parte application an order modifying the Court's Second Order on Discovery Motions (Docket No. 110) and in support thereof states as follows:

Background and Basis for Ex Parte Application

On January 25, 2006, the parties appeared before the Court on the individual officer defendants' motion for discovery sanctions (Docket No. 100) and the City of Revere's motion for discovery sanctions (Docket No. 101). On January 27, 2006, the Court issued a written order reflecting its rulings from the bench made during the course of the hearing. (Docket No. 110).

Paragraph 3 of the Court's order required the City to "file its narrowed list of objectionable interrogatory responses by close of business January 27, 2006. In point of fact, the City had already done so by 10:38 a.m. the previous day, less than 24 hours after the hearing. (Docket No. 104). See Exhibit "A" attached hereto.



Paragraph 3 then imposes some duties upon the Plaintiff and then further states that “Defense counsel has until February 8, 2006 to file papers noting whether it persists in its objection to any of Plaintiffs’ interrogatory responses in light of any further supplementation. *No further briefing shall be filed on this Motion.*” Italic added. The purpose of this ex parte application is to seek an order modifying the Second Order on Discovery Motions to allow for further briefing in light of the foregoing:

1. Plaintiffs have not complied with paragraph 1 of the order. See Exhibit “B” attached hereto.

2. Plaintiffs have not complied with paragraph 2 of the order. See Exhibits “C” and “D” attached hereto.

3. Plaintiffs have not responded to the City’s “narrowed list of objectionable interrogatory responses” (Docket No. 104) in any manner whatsoever, instead contending that “We have not yet received, either electronically or by mail the supplemental pleading that you stated you filed with the court on January 26, 2006.” Exhibit “D”, page 2, last full paragraph. But see Exhibit “A” hereto.

WHEREFORE, the City of Revere respectfully requests leave of Court to further brief the issues raised by its Motion for Sanctions (Docket No. 101).

For the Defendant, City of Revere,
By its Attorney,

/s/ Walter H. Porr, Jr.
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City Hall, 281 Broadway
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781-286-8166

Dated: February 2, 2006

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true copy of same:

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/s/ Walter H. Porr, Jr.
Walter H. Porr, Jr.,

Dated: February 2, 2006